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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,695	08/02/2002	Niels Rump	13189.136	3855
22862	7590	02/23/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			HENNING, MATTHEW T	
			ART UNIT	PAPER NUMBER
			2131	
DATE MAILED: 02/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/913,695	Applicant(s) RUMP ET AL.	
	Examiner Matthew T. Henning	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/11/02; 4/22/02</u> . | 6) <input type="checkbox"/> Other: _____  |

This action is in response to the communication filed on 8/2/2002.

## **DETAILED ACTION**

Claims 1-16 have been examined.

### ***Title***

The title of the invention is acceptable.

### ***Information Disclosure Statement***

The information disclosure statement(s) (IDS) submitted on 1/11/2002 and 4/22/2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statements.

### ***Drawings***

The drawings filed on 8/2/2002 are acceptable for examination proceedings.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 8, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the encrypted multimedia data" in line 3. There is insufficient antecedent basis for this limitation in the claim. The examiner will assume the limitation was meant to read "the encrypted data".

The term "essentially concurrently" in claims 8 and 15 is a relative term which renders the claim indefinite. The term "essentially concurrently" is not defined by the claim, the

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1 specification does not provide a standard for ascertaining the requisite degree, and one of  
2 ordinary skill in the art would not be reasonably apprised of the scope of the invention. One of  
3 ordinary skill in the art would not be able to determine what would be considered essentially  
4 concurrent and therefore could not ascertain the scope of the claim. As such the claims are  
5 rejected for failing to point out and distinctly claim the subject matter which the applicants  
6 regard as the invention.

7 ***Claim Rejections - 35 USC § 102***

8 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
9 basis for the rejections under this section made in this Office action:

10 *A person shall be entitled to a patent unless –*

11 *(e) the invention was described in (1) an application for patent, published under section*  
12 *122(b), by another filed in the United States before the invention by the applicant for patent or*  
13 *(2) a patent granted on an application for patent by another filed in the United States before the*  
14 *invention by the applicant for patent, except that an international application filed under the*  
15 *treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*  
16 *application filed in the United States only if the international application designated the United*  
17 *States and was published under Article 21(2) of such treaty in the English language.*  
18

19 Claims 1, 3, 11-12, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by  
20 Saito (US Patent Number 6,744,894).

21 Regarding claims 1 and 12, Saito disclosed a method for generating an encrypted user  
22 data stream, which has a start block and a user data block (See Saito Fig. 4G), comprising the  
23 following steps: generating the start block (See Saito Col. 8 Paragraph 8); and generating the  
24 user data block by means of the following substeps: using a first part of the user data to be  
25 encrypted as start section for the user data block, the start section being unencrypted (See Saito  
26 Fig. 4G and Col. 8 Paragraphs 6-10); encrypting a second part of user data to be encrypted

1 which follow the first part (See Saito Fig. 4G); and appending the encrypted user data to the  
2 unencrypted start section (See Saito Fig. 4G).

3 Regarding claim 3, Saito disclosed that the second part does not comprise all the user  
4 data to be encrypted and wherein the step of generating the user data block includes the  
5 following substep: appending a third part of user data to be encrypted, which follow the second  
6 part, to the encrypted user data of the second part, the user data of the third part being  
7 unencrypted (See Saito Fig. 4G and Col. 8).

8 Regarding claims 11, and 17, Saito disclosed the data as audio or video data (See Saito  
9 Col. 8 Paragraph 2).

10 ***Claim Rejections - 35 USC § 103***

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
12 obviousness rejections set forth in this Office action:

13 *A patent may not be obtained though the invention is not identically disclosed or*  
14 *described as set forth in section 102 of this title, if the differences between the subject matter*  
15 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
16 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
17 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
18 *the invention was made.*  
19

20 Claims 2, and 4-6, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable  
21 over Saito.

22 Saito disclosed generating the start block (See the rejection of claim 1 above) but failed  
23 to specifically disclose entering the length of the start section in the start block. However, Saito  
24 did disclose that the header data needed to contain information that would all the content to be  
25 recognized. Furthermore, it was well known at the time of invention that header data included

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1 the various lengths of portions of the data associated with the header. Also, it was well known to  
2 include a total length for the content in the header. Therefore, it would have been obvious to the  
3 ordinary person skilled in the art at the time of invention to employ what was known in the art at  
4 the time of invention by adding the lengths of the various portions of the content in Fig. 4G to  
5 the header and the total length. This would have been obvious because the ordinary person  
6 skilled in the art would have been motivated to allow the content to be recognized.

7       Regarding claims 6-7 and 13-14, Saito disclosed a method for playing back an encrypted  
8 multimedia data stream, which has a start block and a user data block, where a start section of the  
9 user data block, which follows the start block, contains unencrypted user data and where a  
10 further section of the user data block contains encrypted user data, where the start block contains  
11 information which is needed to play back the start section of the user data block and where the  
12 start block contains information which is not needed to play back the unencrypted start section of  
13 the user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: processing  
14 the information of the start block which is needed to play back the start section of the user data  
15 block (See Saito Col. 8 Paragraph 2), processing the information of the start block which is not  
16 needed to play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); and  
17 decrypting the further section of the user data block using the processed information of the start  
18 block (See Saito Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the  
19 data. However, it is implied that the data was meant to be played back since Saito disclosed that  
20 the data was video data (See Saito Col. 8 Paragraph 2).

1           Regarding claim 10, Saito disclosed that the data was encoded (See Saito Col. 2  
2 Paragraph 2) and it was therefore obvious that the type of coding was indicated in the header  
3 data in order to recognize the data.

4           Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
5 applied to claims 7 and 14 above, and further in view of Downs et al. (US Patent Number  
6 6,226,618).

7           Saito disclosed the different portions of header data (See the rejection of claim 6 above),  
8 but failed to disclose concurrent processing of the encrypted data while playing back the  
9 unencrypted data.

10          Downs teaches that concurrently decrypting the data while playing unencrypted data  
11 makes the decryption more efficient since the entire file does not need to be decrypted prior to  
12 beginning playback (See Downs Col. 82 Paragraph 5).

13          It would have been obvious to the ordinary person skilled in the art at the time of  
14 invention to employ the teachings of Downs in the decryption system of Saito by concurrently  
15 playing and decrypting. This would have been obvious because the ordinary person skilled in  
16 the art would have been motivated to increase the efficiency of the decryption system.

17          Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
18 applied to claims 6 and 13 above, and further in view of Rump et al. (DE 196 25 635 C1).

19          Saito disclosed encrypted and unencrypted portions of the content (See Saito Fig. 4G) but  
20 failed to disclose the length of the unencrypted portion.

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1           Rump teaches that unencrypted data can be used as sample data for the content and that  
2 the data should be 20 seconds in length (See Rump Col .2 Last Paragraph to Col .3 First  
3 paragraph).

4           It would have been obvious to the ordinary person skilled in the art at the time of  
5 invention to employ the teachings of Rump in the content encryption system of Saito by  
6 providing 20 seconds of unencrypted data as sample data. This would have been obvious  
7 because the ordinary person skilled in the art would have been motivated to allow the user to  
8 sample the content before purchasing the content.

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*Conclusion*


Claims 1-16 have been rejected.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.

The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Matthew Henning  
Assistant Examiner  
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2/17/2006

  
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